

# STATE OF NEW YORK

10300--A

## IN ASSEMBLY

April 15, 2020

Introduced by M. of A. McMAHON -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to increasing the amount of certain benefits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 8 of the volunteer firefighters' benefit law, as  
2 amended by chapter 401 of the laws of 2016, is amended to read as  
3 follows:  
4 § 8. Permanent total disability benefits. In the case of total disa-  
5 bility adjudged to be permanent the volunteer firefighter shall be paid  
6 ~~[six]~~ **twelve** hundred dollars for each week during the continuance there-  
7 of. Permanent total disability, within the meaning of this section,  
8 shall exist only if the earning capacity of the volunteer firefighter  
9 has been lost permanently and totally as the result of the injury. The  
10 loss of both hands, or both arms, or both feet, or both legs, or both  
11 eyes, or any two thereof, shall, in the absence of conclusive proof to  
12 the contrary, constitute permanent total disability, but in all other  
13 cases permanent total disability shall be determined in accordance with  
14 the facts. Notwithstanding any other provisions of this chapter, an  
15 injured volunteer firefighter disabled due to the loss or total loss of  
16 use of both eyes, or both hands, or both arms, or both feet, or both  
17 legs, or any two thereof shall not suffer any diminution of such weekly  
18 benefit by engaging in business or employment provided his or her weekly  
19 earnings or wages, when combined with his or her weekly benefit shall  
20 not be in excess of ~~[eight]~~ **sixteen** hundred dollars; and further  
21 provided that the application of this section shall not result in  
22 reduction of benefits which an injured volunteer firefighter who is  
23 disabled due to the loss or total loss of use of both eyes, or both  
24 hands, or both arms, or both feet, or both legs, or any two thereof  
25 would otherwise be entitled to under any other provisions of this arti-  
26 cle.

EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

LBD15945-03-0

§ 2. Section 9 of the volunteer firefighters' benefit law, as amended by chapter 924 of the laws of 1990, is amended to read as follows:

§ 9. Temporary total disability benefits. In the case of temporary total disability the volunteer firefighter shall be paid one hundred twenty-five dollars for each week during the continuance thereof; provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred seventy-eight to December thirty-first, nineteen hundred seventy-eight, said firefighter shall receive one hundred eighty dollars per week during the continuance thereof; and further provided, that when the volunteer firefighter is injured in the line of duty on or after January first, nineteen hundred seventy-nine to June thirtieth, nineteen hundred eighty-three, said firefighter shall receive two hundred fifteen dollars per week during the continuance thereof; and further provided, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-three to June thirtieth, nineteen hundred eighty-four, said firefighter shall receive two hundred fifty-five dollars per week during the continuance thereof; and further provided, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-four to June thirtieth, nineteen hundred eighty-five, said firefighter shall receive two hundred seventy-five dollars per week during the continuance thereof; and further provided, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-five to June thirtieth, nineteen hundred ninety, said firefighter shall receive three hundred dollars per week during the continuance thereof; and further provided, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety to June thirtieth, nineteen hundred ninety-one, said firefighter shall receive three hundred forty dollars per week during the continuance thereof; and further provided, that when a volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety-one to June thirtieth, nineteen hundred ninety-two, said firefighter shall receive three hundred fifty dollars per week during the continuance thereof; and further provided, that when a volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety-two, said firefighter shall receive four hundred dollars per week during the continuance thereof, provided, however, that when the volunteer firefighter is injured in the line of duty on or after March first, two thousand twenty such payment shall be eight hundred dollars for each week during the continuance thereof. Temporary total disability, within the meaning of this section, shall exist only if the earning capacity of the volunteer firefighter has been lost temporarily and totally as the result of the injury. In case of temporary total disability and permanent partial disability both resulting from the same injury, if the temporary total disability continues for a longer period than the number of weeks set forth in the following schedule, the period of temporary total disability in excess of such number of weeks shall be added to the period provided in section ten of this article: arm, thirty-two weeks; leg, forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear, twenty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first finger, eighteen weeks; great toe, twelve weeks; second finger, twelve weeks; third finger, eight weeks; fourth finger, eight weeks; toe other than great toe, eight weeks. In any case resulting in loss or partial loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe, where the temporary total disability does not extend beyond the periods

1 above mentioned for such injury, benefits shall be limited to the sched-  
 2 ule contained in section ten of this article.

3 § 3. Section 10 of the volunteer firefighters' benefit law, subdivi-  
 4 sion 1 as amended by chapter 175 of the laws of 1962, the opening para-  
 5 graph of subdivision 1 as amended by chapter 21 of the laws of 1991,  
 6 paragraph (d) of subdivision 1 as amended by chapter 604 of the laws of  
 7 1989, subdivision (e) of subdivision 1 and subparagraphs 1 and 2 of  
 8 paragraph (g) of subdivision 1 as amended by chapter 924 of the laws of  
 9 1990, paragraph (g) of subdivision 1 as amended by chapter 584 of the  
 10 laws of 1974, the opening subparagraph and subparagraph 4 of paragraph  
 11 (g) of subdivision 1 and subdivision 3 as amended by chapter 476 of the  
 12 laws of 2018, is amended to read as follows:

13 § 10. Permanent partial disability benefits. 1. In the case of disa-  
 14 bility partial in character, but permanent in quality, the volunteer  
 15 firefighter shall be paid ninety-five dollars for each week for the  
 16 period specified in this subdivision, provided, however, that when the  
 17 volunteer firefighter is injured in the line of duty on or after January  
 18 first, nineteen hundred seventy-eight to June thirtieth, nineteen  
 19 hundred eighty-three, such payment shall be one hundred five dollars for  
 20 each week, and further provided that when a volunteer firefighter is  
 21 injured in the line of duty on or after July first, nineteen hundred  
 22 eighty-three to and including June thirtieth, nineteen hundred eighty-  
 23 four, such payments shall be one hundred twenty-five dollars for each  
 24 week and provided further that when the volunteer firefighter is injured  
 25 in the line of duty on or after July first, nineteen hundred eighty-four  
 26 to and including June thirtieth, nineteen hundred eighty-five such  
 27 payments shall be one hundred thirty-five dollars for each week and  
 28 provided further that when the volunteer firefighter is injured in the  
 29 line of duty on or after July first, nineteen hundred eighty-five to and  
 30 including June thirtieth, nineteen hundred ninety such payments shall be  
 31 one hundred fifty dollars for each week, and provided further that when  
 32 the volunteer firefighter is injured in the line of duty on or after  
 33 July first, nineteen hundred ninety to and including June thirtieth,  
 34 nineteen hundred ninety-one such payments shall be two hundred eighty  
 35 dollars for each week, and provided further that when the volunteer  
 36 firefighter is injured in the line of duty on or after July first, nine-  
 37 teen hundred ninety-one to and including June thirtieth, nineteen  
 38 hundred ninety-two such payments shall be three hundred fifty dollars  
 39 for each week, and provided further that when the volunteer firefighter  
 40 is injured in the line of duty on or after July first, nineteen hundred  
 41 ninety-two such payments shall be four hundred dollars for each week,  
 42 provided, however, that when the volunteer firefighter is injured in the  
 43 line of duty on or after March first, two thousand twenty such payment  
 44 shall be eight hundred dollars for each week as follows:

45 (a) Loss of member.

|                        |                 |
|------------------------|-----------------|
| 46 Member lost .....   | Number of weeks |
| 47 Arm .....           | 312             |
| 48 Leg .....           | 288             |
| 49 Hand .....          | 244             |
| 50 Foot .....          | 205             |
| 51 Eye .....           | 160             |
| 52 Thumb .....         | 75              |
| 53 First finger .....  | 46              |
| 54 Great toe .....     | 38              |
| 55 Second finger ..... | 30              |

|   |                                |    |
|---|--------------------------------|----|
| 1 | Third finger .....             | 25 |
| 2 | Toe other than great toe ..... | 16 |
| 3 | Fourth finger .....            | 15 |

4 If more than one phalange of a digit shall be lost, the period shall be  
5 the same as for the loss of the entire digit. If only the first phalange  
6 shall be lost, the period shall be one-half the period for loss of the  
7 entire digit. The period for loss or loss of use of two or more digits,  
8 or one or more phalanges of two or more digits, of a hand or foot, may  
9 be proportioned to the period for the loss of use of the hand or foot  
10 occasioned thereby, but shall not exceed the period for the loss of a  
11 hand or foot. If an arm or leg shall be amputated at or above the wrist  
12 or ankle, the period for such loss shall be in proportion to the period  
13 for the loss of the arm or leg. In the case of loss of binocular vision  
14 or of eighty per centum or more of the vision of an eye, the period  
15 shall be the same as for the loss of the eye.

16 (b) Loss of hearing. In the case of the complete loss of the hearing  
17 of one ear, sixty weeks; for the loss of hearing of both ears, one  
18 hundred fifty weeks.

19 (c) Total loss of use. In the case of permanent total loss of use of a  
20 member, the period shall be the same as for the loss of the member.

21 (d) Partial loss or partial loss of use. Except as above provided in  
22 this subdivision, in the case of permanent partial loss or loss of use  
23 of a member, the period shall be for the proportionate loss or loss of  
24 use of the member. Compensation for permanent partial loss of use of an  
25 eye shall be awarded on the basis of uncorrected loss of vision or  
26 corrected loss of vision resulting from an injury whichever is the  
27 greater.

28 (e) Disfigurement. In the case of serious facial or head disfigure-  
29 ment, including a disfigurement continuous in length which is partly in  
30 the facial area and also extends into the neck region as described in  
31 this paragraph, the volunteer firefighter shall be paid in a lump sum a  
32 proper and equitable amount, which shall be determined by the workers'  
33 compensation board. If the earning capacity of the volunteer firefighter  
34 shall have been impaired, or may in the future be impaired, by any seri-  
35 ous disfigurement in the region above the sterno clavicular artic-  
36 ulations anterior to and including the region of the sterno cleido  
37 mastoid muscles on either side, the volunteer firefighter shall be paid  
38 in a lump sum a proper and equitable amount which shall be determined by  
39 such board. Two or more serious disfigurements, not continuous in  
40 length, resulting from the same injury, if partially in the facial area  
41 and partially in such neck region, shall be deemed to be a facial  
42 disfigurement. An award, or the aggregate of the awards, to a volunteer  
43 firefighter under this paragraph shall not exceed [~~twenty~~] forty thou-  
44 sand dollars.

45 (f) Total or partial loss or loss of use of more than one member. In  
46 any case in which there shall be a loss or loss of use of more than one  
47 member or parts of more than one member set forth above in paragraphs a  
48 to e, both inclusive, of this subdivision, but not amounting to perma-  
49 nent total disability, the periods for loss or loss of use of each such  
50 member or part thereof shall run consecutively.

51 (g) Other cases. In all other cases of permanent partial disability  
52 the volunteer firefighter shall be paid for each week during the contin-  
53 uance thereof, as follows:

54 1. If the percentage of loss of earning capacity is seventy-five per  
55 centum, or greater, he or she shall be paid ninety-five dollars for each

1 week, provided, however, that when the volunteer firefighter is injured  
2 in the line of duty on or after January first, nineteen hundred seven-  
3 ty-eight to and including June thirtieth, nineteen hundred eighty-three,  
4 such payment shall be one hundred five dollars for each week provided,  
5 however, that when the volunteer firefighter is injured in the line of  
6 duty on or after July first, nineteen hundred eighty-three to and  
7 including June thirtieth, nineteen hundred eighty-four, such payment  
8 shall be one hundred twenty-five dollars for each week provided, howev-  
9 er, that when the volunteer firefighter is injured in the line of duty  
10 on or after July first, nineteen hundred eighty-four to and including  
11 June thirtieth, nineteen hundred eighty-five such payment shall be one  
12 hundred thirty-five dollars for each week, provided, however, that when  
13 the volunteer firefighter is injured in the line of duty on or after  
14 July first, nineteen hundred eighty-five to and including June thirti-  
15 eth, nineteen hundred ninety such payment shall be one hundred fifty  
16 dollars for each week, provided, however, that when the volunteer fire-  
17 fighter is injured in the line of duty on or after July first, nineteen  
18 hundred ninety to and including June thirtieth, nineteen hundred nine-  
19 ty-one such payment shall be two hundred eighty dollars for each week,  
20 and provided further that when the volunteer firefighter is injured in  
21 the line of duty on or after July first, nineteen hundred ninety-one to  
22 and including June thirtieth, nineteen hundred ninety-two such payment  
23 shall be three hundred fifty dollars for each week, and provided further  
24 that when the volunteer firefighter is injured in the line of duty on or  
25 after July first, nineteen hundred ninety-two such payment shall be four  
26 hundred dollars for each week; provided, however, that when the volun-  
27 teer firefighter is injured in the line of duty on or after March first,  
28 two thousand twenty such payment shall be eight hundred dollars for each  
29 week;

30 2. If the percentage of loss of earning capacity is fifty per centum,  
31 or greater, but less than seventy-five per centum, he or she shall be  
32 paid sixty-three dollars and thirty-three cents for each week, provided,  
33 however, that when the volunteer firefighter is injured in the line of  
34 duty on or after January first, nineteen hundred seventy-eight to and  
35 including June thirtieth, nineteen hundred eighty-three, such payment  
36 shall be seventy dollars for each week, provided, however, that when the  
37 volunteer firefighter is injured in the line of duty on or after July  
38 first, nineteen hundred eighty-three to and including June thirtieth,  
39 nineteen hundred eighty-four such payment shall be eighty-three dollars  
40 and thirty-three cents for each week, provided, however, that when the  
41 volunteer firefighter is injured in the line of duty on or after July  
42 first, nineteen hundred eighty-four, to and including June thirtieth,  
43 nineteen hundred eighty-five, such payment shall be ninety dollars for  
44 each week, provided, however, that when the volunteer firefighter is  
45 injured in the line of duty on or after July first, nineteen hundred  
46 eighty-five to and including June thirtieth, nineteen hundred ninety  
47 such payment shall be one hundred dollars for each week, provided,  
48 however, that when the volunteer firefighter is injured in the line of  
49 duty on or after July first, nineteen hundred ninety to and including  
50 June thirtieth, nineteen hundred ninety-one such payment shall be one  
51 hundred eighty-six dollars and seventy-six cents for each week,  
52 provided, however, that when the volunteer firefighter is injured in the  
53 line of duty on or after July first, nineteen hundred ninety-one to and  
54 including June thirtieth, nineteen hundred ninety-two such payment shall  
55 be two hundred thirty-four dollars and fifty cents for each week,  
56 provided, however, that when the volunteer firefighter is injured in the

1 line of duty on or after July first, nineteen hundred ninety-two such  
2 payment shall be two hundred sixty-eight dollars for each week,  
3 provided, however, that when the volunteer firefighter is injured in the  
4 line of duty on or after March first, two thousand twenty, such payment  
5 shall be five hundred thirty-six dollars for each week;

6 3. If the percentage of loss of earning capacity is twenty-five per  
7 centum, or greater, but less than fifty per centum, he shall be paid  
8 [~~thirty~~] sixty dollars for each week;

9 4. If the percentage of loss of earning capacity is less than twenty-  
10 five per centum, he or she shall not be paid any weekly benefit. Perma-  
11 nent partial disability, within the meaning of this paragraph, shall  
12 exist only if the earning capacity of the volunteer firefighter has been  
13 permanently and partially lost as the result of the injury. The workers'  
14 compensation board shall determine the degree of such disability and  
15 such board may reconsider such degree on its own motion or upon applica-  
16 tion of any party in interest.

17 2. An award made to a claimant under this section shall in case of  
18 death arising from causes other than the injury be payable to and for  
19 the benefit of the persons following:

20 (a) If there be a surviving spouse and no child of the deceased under  
21 the age of eighteen years, to such spouse.

22 (b) If there be a surviving spouse and surviving child or children of  
23 the deceased under the age of eighteen years, one-half shall be payable  
24 to the surviving spouse and the other half to the surviving child or  
25 children.

26 (c) If there be a surviving child or children of the deceased under  
27 the age of eighteen years, but no surviving spouse, then to such child  
28 or children.

29 (d) If there be no surviving spouse and no surviving child or children  
30 of the deceased under the age of eighteen years, then to such dependent  
31 or dependents as defined in section seven of this chapter, as directed  
32 by the [~~workmen's~~] workers' compensation board; and if there shall be no  
33 such dependents, then to the estate of such deceased in an amount not  
34 exceeding reasonable funeral expenses as provided in subdivision one of  
35 section seven of this chapter, or, if there be no estate, to the person  
36 or persons paying the funeral expenses of such deceased in an amount not  
37 exceeding reasonable funeral expenses as provided in such subdivision  
38 one.

39 3. An award for disability may be made after the death of the volun-  
40 teer firefighter.

41 § 4. Subdivision 1 of section 11 of the volunteer firefighters' bene-  
42 fit law, as amended by chapter 924 of the laws of 1990, is amended to  
43 read as follows:

44 1. If the percentage of loss of earning capacity is seventy-five per  
45 centum, or greater, he or she shall be paid ninety-five dollars for each  
46 week, provided, however, that when the volunteer firefighter is injured  
47 in the line of duty on or after January first, nineteen hundred seven-  
48 ty-eight to and including June thirtieth, nineteen hundred eighty-three,  
49 such payment shall be one hundred five dollars for each week, provided,  
50 however, that when the volunteer firefighter is injured in the line of  
51 duty on or after July first, nineteen hundred eighty-three to and  
52 including June thirtieth, nineteen hundred eighty-four, such payment  
53 shall be one hundred twenty-five dollars for each week, provided, howev-  
54 er, that when the volunteer firefighter is injured in the line of duty  
55 on or after July first, nineteen hundred eighty-four to and including  
56 June thirtieth, nineteen hundred eighty-five, such payment shall be one

1 hundred thirty-five dollars for each week, provided, however, that when  
2 the volunteer firefighter is injured in the line of duty on or after  
3 July first, nineteen hundred eighty-five to and including June thirti-  
4 eth, nineteen hundred ninety such payment shall be one hundred fifty  
5 dollars for each week, provided, however, that when the volunteer fire-  
6 fighter is injured in the line of duty on or after July first, nineteen  
7 hundred ninety to and including June thirtieth, nineteen hundred nine-  
8 ty-one such payment shall be two hundred eighty dollars for each week,  
9 provided, however, that when the volunteer firefighter is injured in the  
10 line of duty on or after July first, nineteen hundred ninety-one to and  
11 including June thirtieth, nineteen hundred ninety-two such payment shall  
12 be three hundred fifty dollars for each week, provided, however, that  
13 when the volunteer firefighter is injured in the line of duty on or  
14 after July first, nineteen hundred ninety-two such payment shall be four  
15 hundred dollars for each week; provided, however, that when the volun-  
16 teer firefighter is injured in the line of duty on or after March first,  
17 two thousand twenty such payment shall be eight hundred dollars for  
18 each week;

19 § 5. Section 8 of the volunteer ambulance workers' benefit law, as  
20 amended by chapter 401 of the laws of 2016, is amended to read as  
21 follows:

22 § 8. Permanent total disability benefits. In the case of total disa-  
23 bility adjudged to be permanent the volunteer ambulance worker shall be  
24 paid [~~six~~] twelve hundred dollars for each week during the continuance  
25 thereof. Permanent total disability, within the meaning of this section,  
26 shall exist only if the earning capacity of the volunteer ambulance  
27 worker has been lost permanently and totally as the result of the inju-  
28 ry. The loss of both hands, or both arms, or both feet, or both legs, or  
29 both eyes, or any two thereof, shall, in the absence of conclusive proof  
30 to the contrary, constitute permanent total disability, but in all other  
31 cases permanent total disability shall be determined in accordance with  
32 the facts. Notwithstanding any other provisions of this chapter, an  
33 injured volunteer ambulance worker disabled due to the loss or total  
34 loss of use of both eyes, or both hands, or both arms, or both feet, or  
35 both legs, or any two thereof shall not suffer any diminution of such  
36 weekly benefit by engaging in business or employment provided his or her  
37 weekly earnings or wages, when combined with his weekly benefit shall  
38 not be in excess of [~~eight~~] sixteen hundred dollars; and further  
39 provided that the application of this section shall not result in  
40 reduction of benefits which an injured volunteer ambulance worker who is  
41 disabled due to the loss or total loss of use of both eyes, or both  
42 hands, or both arms, or both feet, or both legs, or any two thereof  
43 would otherwise be entitled to under any other provisions of this arti-  
44 cle.

45 § 6. Section 9 of the volunteer ambulance workers' benefit law, as  
46 amended by chapter 924 of the laws of 1990, is amended to read as  
47 follows:

48 § 9. Temporary total disability benefits. In the case of temporary  
49 total disability the volunteer ambulance worker shall be paid three  
50 hundred dollars for each week during the continuance thereof; provided,  
51 however, that when the volunteer ambulance worker is injured in the line  
52 of duty on or after the effective date of this chapter to June thirti-  
53 eth, nineteen hundred ninety; further provided, that when the volunteer  
54 ambulance worker is injured in the line of duty on or after July first,  
55 nineteen hundred ninety to June thirtieth, nineteen hundred ninety-one,  
56 said ambulance worker shall receive three hundred forty dollars per week

1 during the continuance thereof, and further provided, that when a volun-  
2 teer ambulance worker is injured in the line of duty on or after July  
3 first, nineteen hundred ninety-one to June thirtieth, nineteen hundred  
4 ninety-two, said ambulance worker shall receive three hundred fifty  
5 dollars per week during the continuance thereof; provided further that  
6 when a volunteer ambulance worker is injured in the line of duty on or  
7 after July first, nineteen hundred ninety-two such ambulance worker  
8 shall be paid four hundred dollars for each week during the continuance  
9 thereof; provided further that when a volunteer ambulance worker is  
10 injured in the line of duty on or after March first, two thousand twen-  
11 ty such ambulance worker shall be paid eight hundred dollars for each  
12 week during the continuance thereof. Temporary total disability, within  
13 the meaning of this section, shall exist only if the earning capacity of  
14 the volunteer ambulance worker has been lost temporarily and totally as  
15 the result of the injury. In case of temporary total disability and  
16 permanent partial disability both resulting from the same injury, if the  
17 temporary total disability continues for a longer period than the number  
18 of weeks set forth in the following schedule, the period of temporary  
19 total disability in excess of such number of weeks shall be added to the  
20 period provided in section ten of this chapter: arm, thirty-two weeks;  
21 leg, forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear,  
22 twenty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first  
23 finger, eighteen weeks; great toe, twelve weeks; second finger, twelve  
24 weeks; third finger, eight weeks, fourth finger, eight weeks; toe other  
25 than great toe, eight weeks. In any case resulting in loss or partial  
26 loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe,  
27 where the temporary total disability does not extend beyond the periods  
28 above mentioned for such injury, benefits shall be limited to the sched-  
29 ule contained in section ten of this chapter.

30 § 7. Subdivision 1 of section 10 of the volunteer ambulance workers'  
31 benefit law, as amended by chapter 604 of the laws of 1989, the opening  
32 paragraph as amended by chapter 21 of the laws of 1991, paragraph e and  
33 subparagraphs 1 and 2 of paragraph g as amended by chapter 924 of the  
34 laws of 1990, is amended to read as follows:

35 1. In the case of disability partial in character, but permanent in  
36 quality, the volunteer ambulance worker, injured in the line of duty  
37 shall be paid one hundred fifty dollars for each week for the period  
38 specified in this subdivision, provided, however, that when the volun-  
39 teer ambulance worker is injured in the line of duty on or after the  
40 effective date of this chapter to and including June thirtieth, nineteen  
41 hundred ninety, and provided further that when the volunteer ambulance  
42 worker is injured in the line of duty on or after July first, nineteen  
43 hundred ninety to and including June thirtieth, nineteen hundred nine-  
44 ty-one such payments shall be two hundred eighty dollars for each week,  
45 and provided further that when the volunteer ambulance worker is injured  
46 in the line of duty on or after July first, nineteen hundred ninety-one  
47 to and including June thirtieth, nineteen hundred ninety-two such  
48 payments shall be three hundred fifty dollars for each week; and  
49 provided further that when the volunteer ambulance worker is injured in  
50 the line of duty on or after July first, nineteen hundred ninety-two  
51 such payments shall be four hundred dollars for each week; provided  
52 further that when a volunteer ambulance worker is injured in the line of  
53 duty on or after March first, two thousand twenty such ambulance worker  
54 shall be paid eight hundred dollars for each week as follows:

55 a. Loss of member.

|    | Member lost                    | Number of weeks |
|----|--------------------------------|-----------------|
| 1  | Arm .....                      | 312             |
| 2  | Leg .....                      | 288             |
| 3  | Hand .....                     | 244             |
| 4  | Foot .....                     | 205             |
| 5  | Eye .....                      | 160             |
| 6  | Thumb .....                    | 75              |
| 7  | First finger .....             | 46              |
| 8  | Great toe .....                | 38              |
| 9  | Second finger .....            | 30              |
| 10 | Third finger .....             | 25              |
| 11 | Toe other than great toe ..... | 16              |
| 12 | Fourth finger .....            | 15              |

14 If more than one phalange of a digit shall be lost, the period shall be  
 15 the same as for the loss of the entire digit. If only the first phalange  
 16 shall be lost, the period shall be one-half the period for loss of the  
 17 entire digit. The period for loss or loss of use of two or more digits,  
 18 or one or more phalanges of two or more digits, of a hand or foot, may  
 19 be proportioned to the period for the loss of use of the hand or foot  
 20 occasioned thereby, but shall not exceed the period for the loss of a  
 21 hand or foot. If an arm or leg shall be amputated at or above the wrist  
 22 or ankle, the period for such loss shall be in proportion to the period  
 23 for the loss of the arm or leg. In the case of loss of binocular vision  
 24 or of eighty per centum or more of the vision of an eye, the period  
 25 shall be the same as for the loss of the eye.

26 b. Loss of hearing. In the case of the complete loss of the hearing of  
 27 one ear, sixty weeks; for the loss of hearing of both ears, one hundred  
 28 fifty weeks.

29 c. Total loss of use. In the case of permanent total loss of use of a  
 30 member, the compensation shall be the same as for the loss of the  
 31 member.

32 d. Partial loss or partial loss of use. Except as above provided in  
 33 this subdivision, in the case of permanent partial loss or loss of use  
 34 of a member, the period shall be for the proportionate loss or loss of  
 35 use of the member. Compensation for permanent partial loss of use of an  
 36 eye shall be awarded on the basis of uncorrected loss of vision or  
 37 corrected loss of vision resulting from an injury which ever is greater.

38 e. Disfigurement. In the case of serious facial or head disfigurement,  
 39 including a disfigurement continuous in length which is partly in the  
 40 facial area and also extends into the neck region as described in this  
 41 paragraph, the volunteer ambulance worker shall be paid in a lump sum a  
 42 proper and equitable amount, which shall be determined by the workers'  
 43 compensation board. If the earning capacity of the volunteer ambulance  
 44 worker shall have been impaired, or may in the future be impaired, by  
 45 any serious disfigurement in the region above the sterno clavicular  
 46 articulations anterior to and including the region of the sterno cleido  
 47 mastoid muscles on either side, the volunteer ambulance worker shall be  
 48 paid in a lump sum a proper and equitable amount which shall be deter-  
 49 mined by such board. Two or more serious disfigurements, not continuous  
 50 in length, resulting from the same injury, if partially in the facial  
 51 area and partially in such neck region, shall be deemed to be a facial  
 52 disfigurement. An award, or the aggregate of the awards, to a volunteer  
 53 ambulance worker under this paragraph shall not exceed [twenty] forty  
 54 thousand dollars.

55 f. Total or partial loss or loss of use of more than one member. In  
 56 any case in which there shall be a loss or loss of use of more than one

1 member or parts of more than one member set forth above in paragraphs a  
2 to e, both inclusive, of this subdivision, but not amounting to perma-  
3 nent total disability, the periods for loss or loss of use of each such  
4 member or part thereof shall run consecutively.

5 g. Other cases. In all other cases of permanent partial disability the  
6 volunteer ambulance worker shall be paid for each week, during the  
7 continuance thereof, as follows:

8 (1) If the percentage of loss of earning capacity is seventy-five per  
9 centum, or greater, he or she shall be paid one hundred fifty dollars  
10 for each week, provided, however, that the volunteer ambulance worker is  
11 injured in the line of duty on or after the effective date of this chap-  
12 ter to and including June thirtieth, nineteen hundred ninety, provided,  
13 however, that when the volunteer ambulance worker is injured in the line  
14 of duty on or after July first, nineteen hundred ninety to and including  
15 June thirtieth, nineteen hundred ninety-one such payment shall be two  
16 hundred eighty dollars for each week, and provided further that when the  
17 volunteer ambulance worker is injured in the line of duty on or after  
18 July first, nineteen hundred ninety-one to and including June thirtieth,  
19 nineteen hundred ninety-two such payment shall be three hundred fifty  
20 dollars for each week; and provided further that when the volunteer  
21 ambulance worker is injured in the line of duty on or after July first,  
22 nineteen hundred ninety-two such payments shall be four hundred dollars  
23 for each week; provided further that when a volunteer ambulance worker  
24 is injured in the line of duty on or after March first, two thousand  
25 twenty such ambulance worker shall be paid eight hundred dollars for  
26 each week during the continuance thereof.

27 (2) If the percentage of loss of earning capacity is fifty per centum,  
28 or greater, but less than seventy-five per centum, he or she shall be  
29 paid one hundred dollars for each week, provided, however, that the  
30 volunteer ambulance worker is injured in the line of duty on or after  
31 the effective date of this chapter to and including June thirtieth,  
32 nineteen hundred ninety, provided, however, that when the volunteer  
33 ambulance worker is injured in the line of duty on or after July first,  
34 nineteen hundred ninety to and including June thirtieth, nineteen  
35 hundred ninety-one, such payment shall be one hundred eighty-six dollars  
36 and seventy-six cents for each week, provided, however, that when the  
37 volunteer ambulance worker is injured in the line of duty on or after  
38 July first, nineteen hundred ninety-one to and including June thirtieth,  
39 nineteen hundred ninety-two, such payment shall be two hundred thirty-  
40 four dollars and fifty cents for each week; provided, however, that when  
41 the volunteer ambulance worker is injured in the line of duty on or  
42 after July first, nineteen hundred ninety-two, such payment shall be two  
43 hundred sixty-eight dollars for each week, provided, however, that when  
44 the volunteer ambulance worker is injured in the line of duty on or  
45 after March first, two thousand twenty, such payment shall be five  
46 hundred thirty-six dollars for each week.

47 (3) If the percentage of loss of earning capacity is twenty-five  
48 percentum, or greater, but less than fifty per centum, he or she shall  
49 be paid [~~thirty~~ sixty] dollars for each week.

50 (4) If the percentage of loss of earning capacity is less than twen-  
51 ty-five per centum, he or she shall not be paid any weekly benefit.

52 Permanent partial disability, within the meaning of this paragraph,  
53 shall exist only if the earning capacity of the volunteer ambulance  
54 worker has been permanently and partially lost as the result of the  
55 injury. The workers' compensation board shall determine the degree of

1 such disability and such board may reconsider such degree on its own  
2 motion or upon application of any party in interest.

3 § 8. Section 11 of the volunteer ambulance workers' benefit law, as  
4 amended by chapter 604 of the laws of 1989, subdivisions 1 and 2 as  
5 amended by chapter 924 of the laws of 1990, is amended to read as  
6 follows:

7 § 11. Temporary partial disability benefits. In the case of temporary  
8 partial disability the volunteer ambulance worker shall be paid for each  
9 week during the continuance thereof, as follows:

10 1. If the percentage of loss of earning capacity is seventy-five per  
11 centum, or greater, he or she shall be paid one hundred fifty dollars  
12 for each week, provided, however, that the volunteer ambulance worker is  
13 injured in the line of duty on or after the effective date of this chap-  
14 ter to and including June thirtieth, nineteen hundred ninety, provided,  
15 however, that when the volunteer ambulance worker is injured in the line  
16 of duty on or after July first, nineteen hundred ninety to and including  
17 June thirtieth, nineteen hundred ninety-one, such payment shall be two  
18 hundred eighty dollars for each week, provided, however, that when the  
19 volunteer ambulance worker is injured in the line of duty on or after  
20 July first, nineteen hundred ninety-one to and including June thirtieth,  
21 nineteen hundred ninety-two, such payment shall be three hundred fifty  
22 dollars for each week; and provided further that when the volunteer  
23 ambulance worker is injured in the line of duty on or after July first,  
24 nineteen hundred ninety-two such payments shall be four hundred dollars  
25 for each week; provided further that when a volunteer ambulance worker  
26 is injured in the line of duty on or after March first, two thousand  
27 twenty such ambulance worker shall be paid eight hundred dollars for  
28 each week.

29 2. If the percentage of loss of earning capacity is fifty per centum,  
30 or greater, but less than seventy-five per centum, he or she shall be  
31 paid one hundred dollars for each week, provided, however, that the  
32 volunteer ambulance worker is injured in the line of duty on or after  
33 the effective date of this chapter to and including June thirtieth,  
34 nineteen hundred ninety, provided, however, that when the volunteer  
35 ambulance worker is injured in the line of duty on or after July first,  
36 nineteen hundred ninety to and including June thirtieth, nineteen  
37 hundred ninety-one, such payment shall be one hundred eighty-six dollars  
38 and seventy-six cents for each week, provided, however, that when the  
39 volunteer ambulance worker is injured in the line of duty on or after  
40 July first, nineteen hundred ninety-one to and including June thirtieth,  
41 nineteen hundred ninety-two, such payment shall be two hundred thirty-  
42 four dollars and fifty cents for each week; provided, however, that when  
43 the volunteer ambulance worker is injured in the line of duty on or  
44 after July first, nineteen hundred ninety-two, such payment shall be two  
45 hundred sixty-eight dollars for each week, provided, however, that when  
46 the volunteer ambulance worker is injured in the line of duty on or  
47 after March first, two thousand twenty, such payment shall be five  
48 hundred thirty-six dollars for each week.

49 3. If the percentage of loss of earning capacity is twenty-five per  
50 centum, or greater, but less than fifty per centum, he or she shall be  
51 paid [~~thirty~~] sixty dollars for each week.

52 4. If the percentage of loss of earning capacity is less than twenty-  
53 five per centum, he or she shall not be paid any weekly benefit.

54 Temporary partial disability, within the meaning of this section,  
55 shall exist only if the earning capacity of the volunteer ambulance  
56 worker has been temporarily and partially lost as the result of the

1 injury. The workers' compensation board shall determine the degree of  
2 such disability and such board may reconsider such degree on its own  
3 motion or upon application of any party in interest.  
4 § 9. This act shall take effect immediately.